

## **R430-70-11. SUPERVISION AND RATIOS.**

- (1) The provider shall ensure that caregivers provide and maintain direct supervision of all children at all times.**

### **Rationale / Explanation**

*Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. To be available for supervision as well as rescue in an emergency, a caregiver must be able to see and hear the children. Staff should regularly assess the environment to see how their ability to see and hear children during activities might be improved. Many instances have been reported in which a child was hidden when the group was moving to another location, or a child wandered off when a door was open. Regular counting of children can alert the staff to a missing child. CFOC, pgs. 58-59 Standard 2.028*

### **Enforcement**

*If children are unsupervised during an off-site activity, cite R430-70-20(5)(c), not this rule.*

*Children are allowed to go to the bathroom by themselves, as long as the program has and follows a written policy [as required in R430-70-8(12)(a)] that includes the following:*

- Only one child at a time from a classroom may be allowed to go to the bathroom by themselves. Another child cannot be allowed to leave to use the bathroom until the previous child has returned.*
- The classroom caregiver must track the time each child is gone to use the bathroom, to make sure each child returns in a reasonable amount of time.*
- Building exits must be effectively monitored to ensure that children sent to the bathroom do not leave the building.*

*Level 1 Noncompliance if there are not written policies, and a child is missing or harmed for lack of supervision.*

*Level 2 Noncompliance: if there are not written policies to be followed by the provider.*

*Level 3 Noncompliance: otherwise.*

- (2) Caregivers shall actively supervise children on the playground to minimize the risk of injury to a child.**

### **Rationale / Explanation**

*Children like to test their skills and abilities. This is particularly true in outdoor play with playground equipment. Even if the highest safety standards for playground layout, equipment, and surfacing are met, serious injuries can still happen if children are left unsupervised. CFOC, pgs. 58-59 Standard 2.028*

### **Enforcement**

*Actively supervising children means the caregivers' attention should be focused on the children at all times, and not on personal interests (such as visiting with other caregivers, talking on a cell phone, text messaging, reading, etc.) or non-caregiving duties. Caregivers should also maintain awareness of the entire group even when interacting with small groups or individual children, follow written policy when children are going to the bathroom, and position themselves, so that all children playing on the playground can be observed by a caregiver.*

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*Always Level 1 Noncompliance.*

- (3) There shall be at least two caregivers with the children at all times when there are more than 8 children present.

### Rationale / Explanation

*The purpose of this rule is so that there will be a second caregiver available to respond to emergencies if needed, while the other caregiver supervises the children. CFOC, pgs. 3-5 Standard 1.002*

### Enforcement

*This rule is cited only when there is a total of more than 8 children present at the facility, but only 1 caregiver with the children.*

*Level 1 Noncompliance: If the group of children exceeds 15.*

*Level 2 Noncompliance otherwise.*

- (4) The licensee shall maintain a minimum caregiver to child ratio of one caregiver for every 20 children.
- (5) The licensee shall maintain a maximum group size of 40 children per group.

### Rationale / Explanation

*An October 2005 legislative audit of the Bureau of Child Care Licensing examined Utah's ratio rule specifically, and found that Utah's requirements are consistent with other states. The audit stated that Utah ratios are actually on the less restrictive end of the range used by states, and fall below the national standards for every age group. The audit concluded that Utah's rules are reasonable and justifiable.*

*The purpose of required caregiver to child ratios is to ensure that there are enough caregivers to adequately supervise children, ensure children's safety, and meet children's needs. It is also important for caregiver to child ratios to be sufficiently low to keep caregiver stress below levels that could result in anger with children. Caring for too many children increases the possibility of stress for caregivers, and may result in loss of self-control. CFOC, pgs. 3-5 Standard 1.002*

*The American Academy of Pediatrics and the American Public Health Association recommend the following maximum caregiver to child ratios and group sizes. CFOC, pgs. 3-5 Standard 1.002*

<u>Age</u>	<u>Staff to Child Ratio</u>	<u>Maximum Group Size</u>
5-year-olds	1:8	16
6 – 8-year-olds	1:10	20
9 – 12-year-olds	1:12	24

### Enforcement

*A group with more than one caregiver may be temporarily out of ratios for brief periods of 15 minutes or less, if one caregiver leaves the room but remains in the facility in order to meet the immediate needs of the children in*

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his or her group, such as helping a child who is hurt, getting food for children, taking a sick child to the office, getting medication for a child, helping a child in the bathroom, helping a child change soiled clothing, etc. (Examples of tasks **not** related to meeting the immediate needs of the children in the group include: doing laundry or other housekeeping duties, making personal phone calls, taking a work break, etc.) **However, when this is done, providers must always remember that at least one caregiver must remain with the children, and that no caregiver under the age of 18 can ever be left alone with children; even for brief periods of time.**

A program may exceed the required caregiver to child ratios for up to 45 minutes when circumstances beyond the licensee's control temporarily prevent the program from meeting the required ratios. Examples of circumstances beyond the licensee's control include caregivers not arriving for work at their scheduled time without giving adequate notice, or children arriving earlier than their normal time or departing later than their normal time.

If a program is out of ratio due to circumstances beyond their control, the licensor may make up to 2 additional Unannounced Follow-up visits at the same time of day, to determine if the situation was an isolated incident or a recurring pattern. Such follow-up visits shall be made at least a week after the date of the original incident. If two of the three times the program is within ratio, the situation will be considered an isolated incident. If two of the three times the program is out of ratio, the situation will be considered a recurring pattern. Or, the Bureau may accept satisfactory written proof that the situation was an isolated incident, such as caregiver time sheets, sign-in and sign-out sheets, etc.

In situations where the program has enough staff to be in ratio in each age group, but the children in one or more age groups are not grouped to meet the required ratios, the situation will be considered a Level 3 noncompliance the first time the problem occurs.

If the program does not maintain required caregiver to child ratios during an off-site activity, cite R430-70-20(5)(c), not this rule.

### Level 1 Noncompliance:

Over ratio or group size by 6 or more children

### Level 2 Noncompliance:

Over ratio or group size by 4-5 children

### Level 3 Noncompliance:

Over ratio or group size by 1-3 children

- (6) **The children of the licensee or any employee are not counted in the caregiver to child ratios when the parent of the child is working at the program, but are counted in the maximum group size.**

### Rationale / Explanation

This rule was implemented to give program providers parity with the rules for licensed family child care providers. It is not a rule that will ever be cited. Rather, it will be used to determine if a provider is in compliance with the rules that specify what the required caregiver to child ratios are.

A child's parent is considered to be "working at the program" if they are on the clock at the facility but have left to perform a work-related duty (for example, a bus run or buying program supplies), or if they are on a lunch or work

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<i>break.</i>
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